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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 August 1996]

1. The International Federation of Human Rights Leagues (FIDH) and its partner organization Human Rights in China would like to address aspects of the human rights situation in China which have recently given rise to serious concern. On the positive side, China's rapid economic growth have led to improved living conditions and we welcome the recent revisions of the Criminal Procedure Law. However, there has been a serious deterioration in the treatment of Chinese dissidents since 1994, and especially since 1995. Dissidents are rarely able to obtain any protection under the law and lack guarantees for their basic human rights and safety.

2. The Chinese authorities are repressing those who openly criticize the Government, those who express dissenting ideas or political opinions, even those who merely offer suggestions or requests. Although article 41 of the Chinese Constitution allows "Chinese citizens to make suggestions to the National People's Congress", democracy advocates Chen Longde and Wang Donghai were apprehended in May 1996 after they and others issued a petition to the National People's Congress. They called merely for a reassessment of the 4 June Democracy Movement and the release of prisoners of conscience. They have not been formally arrested nor tried and are held under "shelter and investigation", an administrative form of detention supposedly directed against "vagrants who commit crimes away from their places of residence". As freedom of expression and association - the fundamental guarantees for other rights - continues to be severely restricted, China in 1996 remains a place where serious human rights abuses, particularly arbitrary detention and torture, can strike anyone at any time.

3. The right to a fair trial is systematically denied. FIDH and Human Rights in China have studied the materials related to Wei Jingsheng's recent trial, including all the legal documents from the procuracy and the court. The trial was opened to selected observers only. Although Wei's actions consisted in the peaceful exercise of the right to freedom of opinion and expression and did not constitute a crime under Chinese law, he was charged with "conspiring to subvert the Government". Wei's lawyers only had a few days to prepare his defence and the court rejected their calls for additional witness testimony. Wei was given a sentence of 14 years' imprisonment and 3 years' deprivation of political rights. In sensitive political cases such as this, the Chinese judicial authorities follow the procedure "verdict first, trial last". Prior to his current detention, Nobel Peace Prize nominee Wei Jingsheng served 14½ of his 15 years' prison sentence. He "disappeared" in April 1994 and was held incommunicado for 20 months before being formally arrested in November 1995. Apprehended in May 1995 for signing a petition and charged several months later with "leaking State secrets", Li Hai was tried recently, but the outcome of the procedure is kept secret.

4. Resort by the authorities to illegal coercive measures against dissidents, including arbitrary detention, is systematic. FIDH and Human Rights in China are particularly concerned about the pattern of recurrent detention in China today. These detentions usually take place in "sensitive periods", such as prior to the anniversary of 4 June. Victims of such abuses have been held for lengths of time ranging from a few hours to several months under various forms of administrative detention, without due process of law. Chen Longde and Wang Donghai are among those who were held in detention for one month following Wei Jingsheng's trial, after they called for the release of the prominent dissident in a petition. Since May 1995, Wang Dan has been held incommunicado in a secret location, although the authorities claim that he is being held under "residential surveillance". Wang Dan has had no access to either legal or medical assistance. Since his release in 1993 from a four-year sentence, Wang Dan has been in and out of detention, sent on "forced vacation" outside Beijing or taken in for frequent interrogations.

5. Detainees are deprived of their right to file lawsuits against abuses and to lodge appeals. When the judicial authorities agree to hear a case, they are most likely to dismiss it or impose a summary judgement.

In 1982, Wang Xizhe was sentenced to a 14-year term on charges of "counter-revolutionary propaganda and incitement". He was released on parole in 1993 to serve the remaining two years of his sentence at home under police surveillance with deprivation of political rights. The term was to expire in April 1995 but that same month Wang Xizhe was informed by the Guangzhou procuratorate that his parole had been extended for four and a half years. Nothing was disclosed about the procedures followed by the authorities. Wang Xizhe appealed his "counter-revolutionary" sentence and the extension of his parole over 40 times, but the authorities only accepted his petition on 4 August 1995. The court sent Wang Xizhe a signed receipt acknowledging that his appeal had been received. His appeal was rejected, although no trial or hearing was held. A judge who would not give his name said that the court believed the 14-year sentence was "fair", that it was based on clear evidence and had followed proper legal procedures.

6. The right of detainees to physical integrity is routinely violated. In cases of serious medical problems, proper treatment is denied and so is access to medical files by the prisoners and their families, as in the case of Bao Tong, the political reformer who was detained after the 4 June massacre. Released on medical parole in May 1994, Chen Ziming was reimprisoned one year later for signing a petition. He is severely ill with testicular cancer and also suffers from a heart condition, hepatitis B and high blood pressure. Since he arrived at the Shuanghe labour camp, Liu Nianchun has been repeatedly beaten up by fellow inmates while guards were watching. In October 1995, Hu Jian died in a mental hospital where he had been transferred from his Shanxi prison. Hu Jian had been on hunger-strike for two years and survived through forced feeding. He suffered severe health problems due to harsh prison conditions, repeated beatings by guards and fellow inmates and extended periods in shackles.

7. FIDH and Human Rights in China deplore the extensive use by the Chinese authorities of reeducation-through-labour, a form of administrative detention judged "inherently arbitrary" by the Working Group on Arbitrary Detention. After he had disappeared for one year since May 1995, labour activist Liu Nianchun was sent to the north-eastern Heilongjiang province in June 1996 to serve a three-years' reeducation-through-labour sentence. Also in Heilongjiang, lawyer and labour rights activist Zhou Guoqiang had one year added to his initial three-year term for an alleged escape attempt in 1995. Neither of them have been tried.

8. The employment and economic affairs of dissidents are often subject to police interference. Chu Hailan, wife of Liu Nianchu, found employment in May 1995 but was dismissed on her second day because of police harassment. Money sent to dissidents from friends and relatives abroad and even dissidents' own savings have been frozen for long periods or even confiscated by the authorities. In 1995, Chen Ziming's bank account was frozen, limiting his family members' ability to procure proper medication for him.

9. The community of active dissidents in China constitutes a small portion of the total population, yet their treatment is the most obvious manifestation of restrictions on civil and political rights which affect all Chinese citizens. The rights and freedoms for which they struggle are vital to the

protection and realization of the economic and social rights which the Chinese Government claims are its priority. The suppression of dissidents' political and civil rights provides a yardstick for the enjoyment of rights for the Chinese people as a whole. Given this situation, FIDH and Human Rights in China deeply regret that, disregarding its mandate and responsibility, the Commission on Human Rights failed to pass a resolution on the human rights situation in China at its 1996 session. Permanent members of the Security Council have special international responsibility and none of them should be immune to the scrutiny of the United Nations.